

- 4 -

Commissioner of Patents and Trademarks

October 7, 2003

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

Drawings

A proposed drawing correction filed on October 23, 2002 (reported as November 27, 2002) was disapproved on the grounds that the correction introduced new matter into the drawings. Applicant respectfully disagrees. Nonetheless, the addition of database 38 has been removed from Figure 3 and a replacement sheet is attached hereto in appendix A.

New Figure 5 is added to the drawings. New Figure 5 is a block diagram illustrating how subscriber activities can be monitored in accordance with the invention as explained in the paragraph which bridges pages 21-22 of the original disclosure. No new matter has been introduced.

Claim Rejections -35 U.S.C. § 103

The Office Action rejected claims 22-36 and 38-40 under 35 U.S.C. 103(a) as being unpatentable over Aras et al. in view of Raymond et al. Although the Office Action does not specifically state that the claims submitted by way of amendment on October 23, 2002 were not entered, the Examiner has not examined the claims as amended.

New FIG. 5 clearly illustrates the claimed steps of providing a database of program schedule information and coordinating the subscriber activities with the schedule information to provide statistics of practical value to content providers, as described on page 21, line 25-page 22, line 13. This is neither taught nor suggested by Aras for reasons set forth in detail in the response filed October 23, 2002

It is therefore respectfully submitted that the subject matter claimed in claims 22-36 and 38-40 submitted by way of amendment on October 23, 2002 are

- 5 -

Commissioner of Patents and Trademarks

October 7, 2003

clearly patentable over the teachings of Aras et al. Consequently, on a fair examination of the claims on record, it is clear that Aras et al. neither teach nor suggest the subject matter claimed in claims 22, 25, 33 and 38-39.

The Office Action further asserts that Raymond discloses a satellite receiver in full-time communication with a satellite server via an Internet network. This characterization is not correct. Raymond teaches that connections 44 and 46 between the user equipment 30 and the network controller 12 are either dial-up connections known by those skilled in the art not to be full-time communications or via e-mail and the Internet through interfaces such as ETHERNET local area network controller adaptors. As is understood by any person skilled in the art, e-mail sent through the Internet does not constitute a full-time Internet connection. It is therefore respectfully submitted that the teachings of Raymond et al. are misapplied and that Raymond is irrelevant to the claimed invention.

The rejection of claims 22-36 and 38-40 is thereby traversed.

With respect to the Examiner's official notice that it is notoriously well known for a first computing station to post information to a World Wide Web page and a second computing station to retrieve information from the World Wide Web page on a periodic bases, the cited reference relied onto Dasan in United States Patent No. 5,761,662 has a filing date of May 8, 1997, nearly one year after the filing date of June 24, 1996 of the instant application. The reference is therefore uncitable and the Examiner is respectfully requested to withdraw it.

In view of the amendment to Figure 3 and the addition of new Figure 5, and for reasons set forth above in detail, claims 22-36 and 38-40 pending

#70312 v1
103431-45879

- 6 -

Commissioner of Patents and Trademarks

October 7, 2003

in this application as amended on October 23, 2002 are considered to be in a condition for immediate allowance. Favourable reconsideration and early issuance of a Notice of Allowance is therefore requested.

Respectfully submitted,
FRANK B. NORMAN

By Robert J. Hess
Robert J. Hess
Registration No. 32,139
Attorney for Applicant

Address:

GIBBONS, DEL DEO, DOLAN,
GRIFFINGER & VECCHIONE
One Pennsylvania Plaza, 37th Floor
New York, N.Y. 10119-3701
U.S.A.

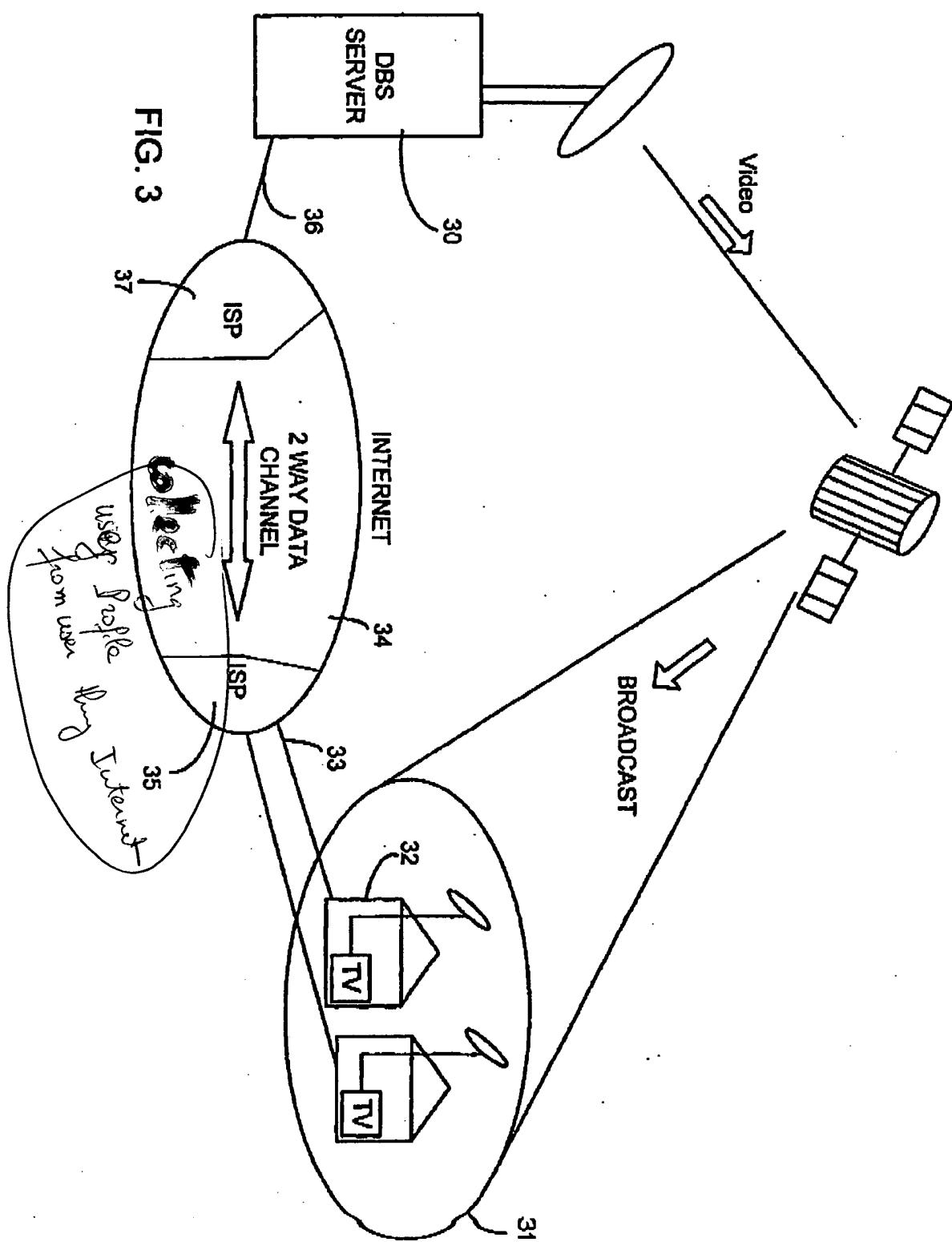
Tel.: 212-649-4700

OFFICIAL

RECEIVED
CENTRAL FAX CENTER
OCT 08 2003

#70312 v1
103431-45879

Amtd. Dated October 7, 2003
Reply to Office Action of July 7, 2003
Replacement Sheet



- 7 -

Commissioner of Patents and Trademarks

October 7, 2003

APPENDIX A

#70312 v1
103431-45879